

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MATHEW J. TOMBERS, on behalf of himself and  
all other persons similarly situated,

Plaintiff,

– against –

INDYMAC BANK,

Defendant.

08 CV 5068 (NRB) (JCF)

**NOTICE OF MOTION  
FOR REMAND TO  
NEW YORK STATE  
SUPREME COURT**

PLEASE TAKE NOTICE that Plaintiff Presidion Solutions, Inc., by its undersigned attorney, hereby move before the Hon. Naomi R. Buchwald, United States Courthouse, 500 Pearl Street, New York, New York, for an order under 28 U.S.C. § 1447(c) remanding this case to New York State Supreme Court and requiring payment of just costs and attorneys fees.

In support of this motion, plaintiff relies upon the Plaintiff's Memorandum of Law in Support of Motion for Remand to New York State Supreme Court submitted herewith.

Dated: New York, New York  
June 30, 2008

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By: \_\_\_\_\_

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